

**THE UNITED STATES FEDERAL DISTRICT COURT OF THE DISTRICT OF
NEBRASKA**

SUSANNE BECKER, Plaintiff,

vs. 8:20cv00394

vs,

Defendants

United States Postal and assigns

reply on dismissal USPS

National Association of Letter Carriers and assigns

NATURE OF ACTION

1. 1. This is an action by Susanne R. Becker for violations of the Due Process clause of the Fifth Amendment to the United States Constitution, namely, deprivation of property without due process of law. Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971) against the United States Postal Service in Amarillo, TX and the employees with id numbers 02207592, 03491676, 03491653, 02326037, 02015859 and the National association of letter carriers local union 1037 President Justin Perry, Union Steward Daniel Andrade and Union Steward Reuben Trevino because they where or involved with the matter of fraud under the following statues: 18 U.S.C. 1343: Wire Fraud and 940. 18 U.S.C. SECTION 1341—ELEMENTS OF MAIL FRAUD.

CLAIM

2. I have a right to a trial or a court hearing in front of a Judge before the U.S

treasury administration offset my taxes for the USPS and the NALC. This is my constitutional right as a U.S citizen. I claim that by not giving me my right to a trial or hearing constitutes fraud and or theft because the USPS and the NALC did not give me an opportunity to present my side to authorities. The USPS is a government agency and must give me a proper notice and an opportunity to be heard. I have a right to fair procedures before being subjected to punishment (administrative offset) or have some burden imposed on me. The USPS must have a fair and reasonable justification of its actions before infringes on my right to due process. The USPS and the NALC denied my right to equal protection of the law by their actions of offsetting my taxes to be electrically transferred into an unknown account for an unknown invoice that was not on the original debt before my right to a fair opportunity to be heard. Other Citizens of American have rights to a hearing on debt collections and not allowing me that right is denying me the right to equal protection of the law.

3. By the USPS and the NALC denying my rights to due process and equal protection of the law, is allowing Government agencies to strong arm U.S citizens into a communist country where in communist countries stealing from citizens is a normal practice like China all property is communally owned but in America my property which is my tax refund is owned by me not the government and the government agency like USPS and the NALC can not come in and my take taxes without due process of the law and my rights to equal protection of the law.

4. IF the USPS and the NALC did take money through electronic transfer of funds without due process of the law then that constitutes theft and fraud under the telecommunication act of 1995/6. This Act states that no one can block or divert funds though the internet without due process of the law and or equal protection of the law. In which the USPS and the NALC did just that with my taxes. They diverted my taxes into an account without my rights to due process or equal protection of the law.
5. For me to state a claim one the USPS and/or NALC deprived me of my federal refund taxes not me but also my children Grace, Faith and Hope Hurd of their earned children tax credit (26 U.S. Code 6511 on credit or refund) in which I am entitled to my property under the 5th amendment and two the way in which USPS and/or NALC procedure to remedy me of my property "taxes" were constitutionally inadequate by violating the section 10 31 U.S.C. 3716 of the Debt Collection Act in which states I have the right to a fair hearing to be heard *Abbott v. Latshaw*, 164 F3d 141,146 (3d Cir. 1998).
6. The USPS and /or NALC can not be treated differently from agencies or unions because I have a right to equal protection of the law under the 5 and 14th Amendment. The USPS and /or NALC refused to give me a just cause grievance under my rights as a union member just cause I was a CCA at the time USPS issued my 3rd notice of debt collection claim but during my 1st and 2nd notice I was a full time carrier that paid 10 years of union dues and that gave me rights to a fair hearing under a grievance processing. The NALC fail to represent me and took it as far as won a lawsuit saying that I have no rights to file a grievance after

discharge. Therefore I do not have to file with the National labor relations board after the fact and this court processing is the right sitting for a hearing to be heard on the violation of my Constitutional rights cause again I have the right to hear before I was deprived of my property.

JURISDICTION AND VENUE

7. 2. This Court has jurisdiction over the action and the parties under 28 U.S.C. §§ 1331, 1339, 2201 and 2202, and 39 U.S.C. § 1208(a). This Court has jurisdiction and the Venue is proper under 28 U.S.C. § 1391 (b)(2), because a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, in the Western Part of Nebraska Scottsbluff, Nebraska.

8.

PARTIES

9. 3. Plaintiff Susanne R Becker is the Subject of Randall County Texas as well as the subject of Scotts Bluff County Nebraska. Defencents United States Postal Service and the National association of letter carriers and within their federal agency they employee Debbie Wademan, Kathy Hand, Jim Bendenze, Jim Casson, Jacob Wilkinson, Richard Byrne, Shareen wertz, Justin Perry, Daniel Andrade, Reuben Trevino and the following employees managers from Amarillo, TX under employee identification numbers: 02207592, 03491676, 03491653, 002015859, 02326037 that are listed in the TACS clock ring deletion.

10.5. Grievance and Arbitration Tracking System (GATS) is a database that the USPS management, APWU and NALC union stewards of Amarillo, TX used as a Ponzi scheme to extort money from me by the means of robbing Peter to pay Paul through a fake grievance process.

Supporting Brief Exhibits to be used

11. The original Letter of Demand was forward to me at address 50965 County road 27 Scottsbluff, NE from address 3406 Nebraska Street Amarillo, TX 79109. The letter directs me to Section 460 of the United States Postal Employee Labor manual (ELM). Under section 460 the ELM of the USPS, the manual redirects me to three different sections 480, to 470.1 then to 473.1 of the ELM. In section 473.1 of the USPS ELM it directs me to section 10 31 U.S.C. 3716 of the Debt Collection Act. Section 10 is in fact Public Statue 97-365, 1982, this is the Debt Collection Act of 1982. Within Section 10 of Public Statue 97-365,1982, it redirects me to section 5 and 6 within the statue that says, I had the right to a hearing before Administrative offset. A hearing I never got for debt that was an administrative offset from the Postal Service for “non-federal debt”.
12. The original letter of Demand was mailed to me in April of 2017 states an overpayment for Q11C-4Q-C 11311239 and Q06C-4Q-C 1005587 for pay period 7/2017 and if I had any questions I should direct them to the supervisor. Q11C-4Q-C 11311239 and Q06C-4Q-C 1005587 are global settlements for a arbitrational award for clerks in level 18 offices and below. This letter includes an invoice that clearly states at the top “INVOICE NO. 702802638” and “AMOUNT DUE 4,448.75.”

13. The United State Department of Treasury mailed me a letter from Birmingham, AL to 50965 County Road 27 Scottsbluff, NE 69361. In this letter, The U.S Department of Treasury said that I paid the US Postal Service 4,171.00 dollars for original debt 4,838.70 when in FACT the original debt is 4,448.75. This is where fraud took place the first time in 2018 and I did not get a hearing for due process and the original debt invoice did not match with the U.S treasury invoice.
14. In August of 2017, I was issued again another invoice of debt with annual and sick leave for 1,976.24. This debt is where fraud took place for the second time.
15. In the year of 2018, I filed a lawsuit against the USPS saying I had 1250 FMLA to be approved for FMLA protected leave. This lawsuit with the USPS over FMLA, I tried to show I had enough hours to qualify for FMLA and because I was not a Attorney of the Law I lost. But that's ok, cause it shows fraud by the USPS in Amarillo, TX for annual leave that I was not qualified for that was charged to my clock rings under the TACS database for the 2017 year. I did not get a paycheck but I sure did get debt for FMLA annual and sick leave that was charged to my employee number. And this debt was offset by the U.S Treasury without a hearing of due process.

Supporting Brief

16. Grievance and Arbitration Tracking System (GATS) is a database that the management and union stewards of Amarillo, TX used as a Ponzi scheme to extort money from USPS employees by basically robbing Peter to pay Paul.
17. In April 2017, I received a letter for a grievance over payment. I was upset because I figured Debbie Wademan, and Jacob Wilkinson's was at fault for this

overpayment because they got together with Kathy Hand and denied me of my original position back in 2011 as a fulltime carrier on city 2 in Scottsbluff, NE.

18. But after really looking over the original debts, the U.S treasury offset, IRS payouts and my TACS, I notice that the original debt payment figure was wrong. I reread my original debt invoice and notice this over payment was for pay period 7 and 2017. Pay period 7 was in March of 2017. I was seeking A LOT of medical in Scottsbluff, NE in March because of a fearful situation that happened to me when I was trying to go to work on February 11, 2017 at the USPS in Amarillo, TX.

19. When I looked over my TACS I noticed my Annual leave was counting down and being withdrawn; but where was it going? I was confused because I know from past experience with Debbie Wademan and Jacob Wilkinson that when my position goes from Full time to part time my annual advance gets returned back to the USPS but I was still in a Full Time position in Amarillo, TX. So, I know that I never asked for annual leave during February to September of 2017. I would call up the sick leave hotline and request 40 hours of sick leave and 40 hours of leave without pay within a pay period. Note: my sick leave I earned so I do not pay back sick leave unless I go into the negative or request it if I am approved for FMLA.

20. But with all the deleted clock rings, I could not figure out how I was not getting paid out. Until I research grievance databases for the USPS. The GATS database made sense as to how the Ponzi scheme worked within Amarillo, TX.

21. See, I remember Felix Bustillo always saying that management always had a flash drive with the carrier's personal information that would be used for

grievances. I also remember Amila, one of the managers trying to find a way to pay Felix back for the fact I filed harassment charges against him. You see this was a way for the Amarillo Local NALC union to open a grievance process that would open the GATS database to extort money from me.

22. So back to the fact of February 11, 2017, it must have been a God thing because that day I was so fearful that something told me to go to Nebraska so I took my kids and we left without anything just what we had on and my car. I never came back to Amarillo, TX but management knew that they had to get me back because they were taking Annual leave 2 to 8 hrs a paycheck nothing noticeable before February of 2017. So to offset the fact that I was not coming back, Amarillo management and the local NALC created a fake invoice for overpayment on a clerk grievance. Apparently, they did not think that though cause it was a God thing again. Debbie Wademan, Jacob Wilkinson and Kathy Hand had me as a clerk in a level 18 office.

23. After looking over the exhibits explained earlier, I noticed that extortion of wire fraud over the electron transfer from my U.S Treasury and to an unknown USPS account that original debt figure was not my original debt figure.

Brief of Wire Fraud

941. 18 U.S.C. 1343—ELEMENTS OF WIRE FRAUD

24. “ The elements of wire fraud under Section 1343 directly parallel those of the mail fraud statute, but require the use of an interstate telephone call or electronic communication made in furtherance of the scheme. *United States v. Briscoe*, 65

F.3d 576, 583 (7th Cir. 1995) (*citing United States v. Ames Sintering Co.*, 927 F.2d 232, 234 (6th Cir. 1990) (per curiam)); *United States v. Frey*, 42 F.3d 795, 797 (3d Cir. 1994) (wire fraud is identical to mail fraud statute except that it speaks of communications transmitted by wire); *see also, e.g., United States v. Profit*, 49 F.3d 404, 406 n. 1 (8th Cir.).”

25. The four essential elements of the crime of wire fraud are:

(1) that the defendants voluntarily and intentionally devised or participated in a scheme to defraud me out of money by creating an overpayment bill for a clerk grievance in pay period 7 of 2017. Paid period 7 would be in March of 2017.

(2) The defendant did so with the intent to defraud me on my Annual and sick leave.

(3) This scheme was reasonably foreseeable that interstate wire communications would be used because the invoice transfer from Amarillo, TX to Egnan, MN to Briminham, AL that Administrative offset my taxes though electronic funds as it is said on the U.S treasury.

and (4) that interstate wire communications were in fact used by the U.S Treasury to the IRS that transfer funds to the USPS for a “non-federal debt also know as a grievance debt) (*citing Manual of Model Criminal Jury Instructions for the District Courts of the Eighth Circuit* 6.18.1341 (West 1994)), *cert. denied*, 115 S.Ct. 2289 (1995); *United States v. Hanson*, 41 F.3d 580, 583 (10th Cir. 1994).

There are two elements that constitute the crime of wire fraud:

(1) a scheme or artifice to defraud was 1. A overpayment grievance invoice and a overpayment invoice for annual leave that would not be noticeable to others within the USPS to question and that the GATS database is a loosely used and unmonitored database within the USPS that both the APWU,NALC and the USPS management can use to extort money for others for their personal gain; and (2) use of interstate wire communication to facilitate that scheme); *United States v. Faulkner*, 17 F.3d 745, 771 (5th Cir. 1994). This APWU,NALC and the USPS used the mail to mail the invoice that crossed state lines and the U.S Treasury to offset the invoice to the IRS that would electronically transfer Tax refunds back to Amarillo, TX for my personal taxes to pay the first debt of overpayment that never happen in 2017 and to pay the second det payment of annual/sick leave debt that the NALC, APWU and the USPS used to cover up the theft of annual/sick though the GATS database that was deposited into NALC, APWU and the USPS personnels of paychecks for personal gain.

The essential elements of wire fraud are:

(1) a scheme to defraud funds was transferred from my 2017 and 2018 taxes into a fake invoice that was not the original debt by the U.S treasury from the IRS through electronic transfer.

and (2) the use of, or causing the use of, interstate wire communications to execute the scheme by electronic transfer of funds though the u.S treasury and the IRS.), *cert. denied*, 115 S.Ct. 193 (1995); *United States v. Cassiere*, 4 F.3d 1006 (1st Cir. 1993)

26. To prove wire fraud, the government must show

(1) scheme to defraud by means of false pretenses was used by the NALC, APWU and the USPS by mailing an overpayment for a APWU grievance to me for being clerk in a level 18 office in Mitchell, Ne in April of 2017 and then by saying I was FMLA approved for annual and sick leave and charged me from February until August 2017 all the while the APWU, NALC and the USPS was paying themselves this leave though my clock rings when in fact the Colorado Federal Judge ruled I did not have 1250 hours to get FMLA approval for 2017 postal year.

(2) defendant's knowing and willful participation in the scheme with intent to defraud by never fixing the issue and hiding the scheme by deleting clock rings through TACS and lying to the Colorado Judge of FMLA hours.

and (3) use of interstate wire communications in furtherance of scheme by issuing to the U.S treasury and the IRS that they did the process of the Debt Collection Act of 1982 ut in fact they never gave me my rights to due process of a hearing before offsetting my taxes); *United States v. Maxwell*, 920 F.2d 1028, 1035 (D.C. Cir. 1990)

"Wire fraud requires proof of

(1) a scheme to defraud The demand letters, Collection letters, U.S Treasury letters and the IRS pay outline for 2017 and 2018;

and (2) the use of an interstate wire communication to further the scheme the outline of my taxes that where payout to “non-federal debt” as known as grievance debt ponzi scheme.”)

27.

CAUSE OF ACTION

“18 U.S. Code § 1343.Fraud by wire, radio, or television: The APWU,NALC and the USPS having devised me by a ponzi scheme to defraud of my taxes to obtain money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce from 4 different states and 4 different Federal agencies, by writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. (Added July 16, 1952, ch. 879, § 18(a), 66 Stat. 722; amended July 11, 1956, ch. 561, 70 Stat. 523; Pub. L. 101–73, title IX, § 961(j), Aug. 9, 1989, 103 Stat. 500; Pub. L. 101–647, title XXV, § 2504(i), Nov. 29, 1990, 104 Stat. 4861; Pub. L. 103–322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 107–204, title IX, § 903(b), July 30, 2002, 116 Stat. 805; Pub. L. 110–179, § 3, Jan. 7, 2008, 121 Stat. 2557.)”

Under law 42 U.S.C 1981a(b)(3) I entitled to 300,000 dollars for damages, because I was defrauded from my 2017 and 2018 taxes I should get a minimum of 600,000.00 dollars times 2 for plus punitive damages 1.2 million.

Signature signed under FRCP 11(a) Susanne Becker

506 west 42 nd street
Scottsbluff, NE 69361
Livingsacrifice70@hotmail.com
308-765-4985